

United States District Court
Eastern District of Michigan
Southern Division

POOR QUALITY ORIGINAL

5

US Case No: 23-20152

V Mark A. Goldsmith

Jack Carpenter

FILED
CLERK'S OFFICE

SEP 10 2024

U.S DISTRICT COURT
EASTERN MICHIGAN

Motion for special appearance to dismiss for lack of In Personam
Jurisdiction From Sovereign Immunity

The exact question I present to the Court is discussed in, "International Law, A TREATISE, Volume 1, PEACE, Second Edition" by professor of International Law at Cambridge University L. Oppenheim 1912 in ~~section~~ §. 71. As noted, this is an unanswered question, upon which authorities disagree on the answer. I have spent ~18 month incarcerated while the US Attorney pretends this question is itself evidence of incompetence; "defense" counsel diminishes the argument in filings and oral statements; "defense" counsel prevents the question from reaching the judge in District and appellate courts; "defense" counsel has stated in private conversations that this is not due to facts or law, but personal beliefs; "defense" counsel has pretended the argument is "frivolous"; Mr. Goldsmith claims my refusal to allow the Court to ignore a legitimate threshold defense is a mental illness or evidence one exists; and Mr. Goldsmith contends that refusal to submit to "defense" counsel's clearly erroneous legal opinion is a sign of mental illness while "defense" counsel refuses to investigate evidence, prevents evidence to support my claims from entering the record, and allows the prosecution to make accusations using the "absence of evidence is evidence of absence" logical fallacy.

14/05/2024 11:13:10

The question, at its most basic form is: Is a nation an International Person, and an object under International Law when it exercises the right to self-determination and speaks itself into existence or only once the Nation has acquired property, and another Nation recognizes the right to govern the territory it claims?

As International Law or the Law of Nations admits, existence and recognition are not the same thing.

- A nation can exist, but is not a State as it has not acquired property or territory
- A nation can achieve Statehood, but that Statehood is not recognized
- A nation can achieve Statehood, but is not recognized by all members in the family of States, and is both "recognized" and "unrecognized" simultaneously

L. Oppenheim claims that a State or Nation can exist, which includes the right to dignity and independence, but until it is "recognized" it cannot be treated as an object in the Law of Nations. This is an absurd result. But he admits "many writers do not agree with this opinion. They maintain that if a new civilized State [or nation] comes into existence... such new State [or nation] enters of right into the Family of Nations and becomes of right an International Person... There is no doubt that statehood itself is independent of recognition. International Law does not say that a State is not in existence as long as it is not recognized, but it takes no notice of it before its recognition." Oppenheim argues, falsely, that even though existence is an act of self-determination, the rights which stem from existence are justly ignored until statehood is recognized. This argument places a State or Nation's existence within the authority of the political branches of other Nations or States, which clearly conflicts with the understanding that in International Law, rights as an object under International Law flow from the right to exist, which is an act of self-determination that cannot be subject to the will or desires of any other

state or nation (See "International Law" by Professor in Brown University George Grafton Wilson PhD. and George Fox Tucker PhD § 21 and § 31 and § 32)

It cannot be claimed that a Nation has the right to exist through self-determination and the right to equality and ~~existence~~ Independence because it exists, but that it cannot claim those rights against another nation until that nation's political branch agrees it governs some territory of earth.

A Sovereign Monarch has the right to claim exterritoriality under the principle "Par in parem non habet imperium" as a result of the existence of the Nation, not as the result of de jure Statehood. It cannot be said that an International Person has the right to exist through self-determination and the right to independence but, unless the political branch of some other State or Nation agrees to your nation's claim to territory, your Monarch can be imprisoned by an equal Sovereign. Even if an example of this can be given, the argument is equivalent to claiming that a war crime is not a war crime if I can provide an example of someone committing the crime, and it went unpunished. It is an absurdity in Law, which cannot exist.

The prosecution has provided evidence of the existence of my nation to the court. They do not refute I claim to be the Sovereign Monarch of this Nation. They claim that the act of self-determination of an International Person and posing a question of law (that is discussed by a Professor of International Law for Cambridge University in 1912) to a court is evidence of incompetence. I would allow the US Attorney to claim ignorance and arrogance caused that claim, but as I posted online two months before my arrest that this would be the method used to avoid admitting I am right, I claim malice. Clear malice, and all parties involved, the judge, prosecution, and defense, all participated, knowingly.

You are all responsible for delinquency under International Law, and I demand this be rectified, and actors held to account. Thank you.

I certify this is four pages in length

Josh Cupich

Note: It is an abuse of discretion to ignore this motion to dismiss as defense counsel is clearly incompetent and has stated a conflict of interest exists.

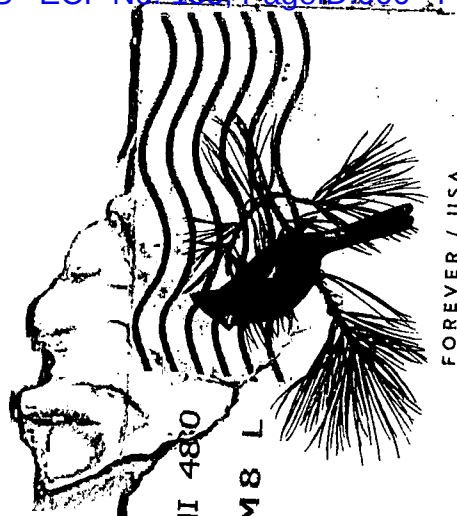
Jack Carpenter
165 East 1cedr
Midland, MI
48642

Clerk of the Court of
Mark A. Goldsmith
231 W. Lafayette Blvd. 5th Floor
Detroit, MI

48224

The writer of this letter
is an inmate in the
Midland County Jail
Midland MI 48642

Legal mail



METROPLEX MI 480

7 SEP 2024 PM 8 L

48226-277758

